

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A fence guard construction for preventing the growth of vegetation in the vicinity of a fence wherein, the construction ~~comprises~~ comprises:

a first end cap member including a closed end elongated hollow rectangular body having a substantially rectangular shaped open space therein and an open distal end ~~distal end~~ distal end;

a second end cap member including a closed end elongated hollow rectangular body having a substantially rectangular shaped open space therein and an open proximal end provided with a connector flange; and,

at least one intermediate segment including an open ended elongated hollow rectangular body having a substantially rectangular shaped open space therein and a connector flange disposed on one of the open ends.

2. (Currently Amended) The construction ~~as in claim 2 in claim 1~~ in claim 1; wherein, the first and second end cap members, as well as, the at least ~~one intermediate segments~~ one intermediate segment have their external surfaces provided with a simulated brick appearance.

3. (Original) The construction as in claim 2; wherein, each of the end cap members is provided with at least one horizontal mounting flange and at least one vertical mounting flange.

4. (Currently Amended) The construction as in claim 3; wherein, said at least one vertical mounting flange is formed in ~~the rear wall~~ a rear wall portion of the hollow rectangular bodies and at the terminus of a semi-conical recess formed in ~~the top surface~~ a top surface of the hollow rectangular bodies.

5. (Original) The construction as in claim 3; wherein, the at least one intermediate segment is provided with at least one vertical mounting flange and at least one horizontal mounting flange.

6. (Currently Amended) The construction as in claim 5; wherein, said at least one vertical mounting flange is formed in ~~the rear wall~~ a rear wall portion of the hollow rectangular bodies and at the terminus of a semi-conical recess formed in ~~the top surface~~ a top surface of the hollow rectangular bodies.

7. (Original) A fence guard construction for preventing the growth of vegetation in the vicinity of a fence wherein, the construction comprises:

a first end cap member including a closed end elongated hollow rectangular body having a substantially rectangular shaped open space therein and an open distal end; and,

a second end cap member including a closed end elongated hollow rectangular body having a substantially rectangular shaped open space therein and an open proximal end provided with a connector flange which is adapted to be received in the open distal end of the first end cap member.

8. (Currently Amended) The construction as in claim 7 further ~~comprising~~ comprising:

at least one intermediate segment including an open ended elongated hollow rectangular body having a connector flange disposed on one of the open ends.

9. (Original) The construction as in claim 8; wherein, the first and second end cap members, as well as, the at least one intermediate segment have their external surfaces provided with a simulated brick appearance.

10. (Original) The construction as in claim 7; wherein, each of the end cap members is provided with at least one horizontal mounting flange and at least one vertical mounting flange.

11. (Currently Amended) The construction as in claim 10; wherein, said at least one vertical mounting flange is formed in ~~the rear wall~~ a rear wall portion of the hollow rectangular bodies and at the terminus of a semi-conical recess formed in ~~the top surface~~ a top surface of the hollow rectangular bodies.

12. (Currently Amended) The construction as ~~in claim 10~~ in claim 8; wherein, the at least one intermediate segment is provided with at least one vertical mounting flange and at least one horizontal mounting flange.

13. (Currently Amended) The construction as in claim 12; wherein, said at least one vertical mounting flange is formed in ~~the rear wall~~ a rear wall portion of the hollow rectangular bodies and at the terminus of a semi-conical recess formed in ~~the top surface~~ a top surface of the hollow rectangular bodies.

14. (New) The construction of claim 3 including a fence post disposed in soil for holding the fence post upright and said vertical mounting flange is directly attached to said fence post with a fastener.

15. (New) The construction of claim 10 including a fence post disposed in soil for holding the fence post upright and said vertical mounting flange is directly attached to said fence post with a fastener.